

CITY OF SAN DIEGO  
M E M O R A N D U M

DATE: June 5, 2009

TO: Honorable Council President Ben Hueso and Members of the City Council

FROM: Patti Boekamp, Director of Engineering and Capital Projects Department

SUBJECT: May 8, 2009 Budget and Finance Committee Referral – ADA Projects

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BACKGROUND

During its meeting on May 8, 2009, the Budget and Finance Committee reviewed and discussed IBA Report 09-37 - Overview of the Mayor's Proposed FY2010 Budget. The report included a discussion of ADA Compliance, and raised concerns about the progress of the FY 2008 ADA projects and the ability to implement these projects. In the report, the IBA reviewed the FY2008 ADA project data and concluded that "it is unlikely that most of these identified projects will be completed prior to 2010, which is more than 2.5 years after the City Council approved the allocation of funds in the FY2008 budget." The report goes on to state that "Although there were initial delays early in FY2008, the lengthy time to complete construction appears to be either a project priority or a project management capacity problem." At the Committee meeting, Councilmember Donna Frye asked that Council be provided a list of mechanisms and /or resources that would expedite the completion of ADA projects.

In order to describe the mechanisms and resources that could be used to complete these projects in a more expedient manner, it is important to address some of the statements in the IBA report. First, the most fundamental issue is how long a project should take from initiation of planning to completion of construction. As mentioned at the hearing, relatively simple projects, like many of the ADA projects, generally take between 16 and 21 months to complete. This timeline includes the following key processes:

Design, permitting, environmental clearance and coordination with users - 8 months

Bid and award process:

Advertise the contract and receive bids/proposals - 1 month

Award contract and schedule start of construction - 4-6 months (This includes evaluation of bids/proposals, contractors' submittal of bonds, insurance, and equal opportunity contracting paperwork, and scheduling all the necessary resources to start construction.)

Construction - 3-6 months per site

As noted in the IBA report, the \$10 million of funding budgeted in FY2008 from real estate sales for ADA projects trickled in throughout the fiscal year due to slow property sales. This late availability of project funding limited the ability to hire consultants and to advertise construction contracts until funds were available. While full funding wasn't available until late in the fiscal year, Engineering and Capital Projects Department started the process of preparing bidding documents such that once funds were available, the contracts could move forward.

The IBA report also noted that there were "initial delays" in identifying the ADA projects to be completed. Disability Services wasn't able to finalize the list and provide it to Engineering & Capital Projects until September 2007. Availability of the project list allowed the start of preliminary engineering, which includes a detailed site evaluation and determination of the scope of work. This was undertaken and completed despite insufficient project funds.

The IBA report, for purposes of determining what ADA projects have been completed, focused on the projects with a Notice of Completion filed at the County Recorder's office. The Notice of Completion is filed only after the many administrative items related to the contract have been completed. A better milestone for project completion is the beneficial occupancy date, which is when the construction is complete and available to the public. Using this date would have painted a significantly different picture regarding the progress of the projects and program.

#### SPECIFIC PROJECT INFORMATION

The FY 2008 ADA projects originally sent to E&CP for implementation were grouped into the following contracts:

1. Three curb ramp contracts, each addressing many locations
2. Four design build contracts, each including several buildings
3. Stand-alone projects identified as complex or constrained in some way

The status of ADA work undertaken as part of these contracts is as follows.

- 556 curb ramps identified for construction in three separate construction contracts are complete and open to the public.
- Two sidewalk projects at Albatross Drive and University Gardens Park are complete and open to the public.
- The Vista Terrace Tot Lot improvements are complete and open to the public.

- Eighteen building improvement projects were grouped into four design build contracts and bid in July 2008.
  - Contracts were awarded in September and November. Of the ten sites grouped in these two contracts, eight sites (Northern Police Station, South Claremont Recreation Center, Morley Field, Balboa Sidewalks, Balboa Tennis Club, Cesar Chavez Community Center, Kearney Mesa Pool, and Euclid Community Center) are complete and open to the public, one site (Encanto Teen Center) is being redesigned, and one site (Tierrasanta Recreation Center) is 60% complete.
  - The other two contracts were held up approximately 9 months in the award process due to the low bidder's inability to get insurance. One of the contracts, for ADA improvements at two pools (Memorial Pool and Swanson Pool), was awarded in March 2009. Design is complete, and construction has been scheduled to start this fall to avoid disrupting the peak summer season for the pools. The second contract, which includes six sites, was awarded in April. Design is progressing on these design build projects. The improvements at these sites (La Jolla Fire Station No. 13, Ocean Beach Recreation Center, Mid-City Community Gym, Rancho Bernardo Recreation Center, Scripps Ranch Library, and Mira Mesa Teen Center) are expected to be constructed and open to the public by October 2009.
- The ADA improvements at four branch libraries (Claremont, North Claremont, Skyline, and University) required specialized architectural design services, which were authorized when the ADA funds became available in FY 2008. The construction contracts for the four libraries were bid in September 2008, but the CDBG funding identified was not adequate. Authorization to move additional CDBG funds into these projects has been requested. The contractor has extended his bid. When authorization to move the CDBG funds to these projects is granted, the contracts will be awarded.
- The Ilex Avenue/Hollister Street sidewalk project is currently in design. This project has elements that require a longer design phase. These elements include encroachments (private improvements placed in the public right-of-way), relocation of facilities by other agencies, grade changes, and coordination with stakeholders. Construction is anticipated to begin in July 2010.
- Two private agency contracts were identified in the FY08 funding. The Labor Council, as part of a training program, installed 32 curb ramps, recently completing that contract. The San Diego Auto Museum received an allocation of \$12,000 which had to be combined with FY09 funds to enable design of an elevator and restroom upgrades. Future funding will be needed for construction.

- The Children's Pool Lifeguard Tower has been closed and requires replacement. ADA funds were identified for construction of ADA improvements around the tower. Funds for the lifeguard tower replacement project were budgeted from the deferred maintenance funds that were received in March 2009. A design-build contract that will include both the ADA work and tower replacement is expected to bid in FY 2010.
- The Bird Rock Elementary School ADA project has been slowed by the required evaluation of impacts to nearby residents and their existing encroachments into the public right-of-way. Many meetings with the Community Planning Group, Council office, and area residents have occurred to discuss project options. The project is currently being bid, with the expectation that work will be complete in the early fall of 2009.
- The Cliffridge Park project has been under discussion with community members, and the CDBG funding allocated for this work is now likely to be canceled. The City is currently working on an agreement to allow La Jolla Youth Inc. to undertake this work as an agency project. The Council does not wish to deal with the regulations related to CDBG funding. If the agency agreement is approved, the project's CDBG funds would be reallocated to another project.
- The Martin Luther King Park/Pool project was added to the FY 2008 project list in May 2008 using funds redistributed from other projects, and is currently under design. Completion of construction is expected by April 2010.
- The accessible pedestrian signal and the audible signal projects were split into 19 signals requiring audible equipment which have been designed and recently turned over to General Services for implementation, and 19 other signals needing complete designs including curb ramps, utility relocations, audible equipment and other accessibility improvements. These signals are still under design.

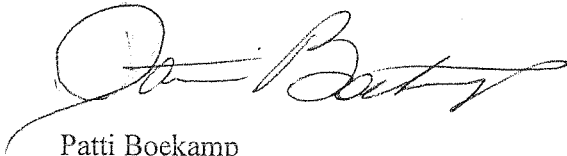
In summary, the status of 37 FY 2008 ADA projects is:

- 14 projects constructed and open to the public.
- 11 projects under construction and expected to be open to the public by October 2009.
- 5 projects were delayed by bidding irregularities, and are being awarded and are expected to be open to the public by December 2009.
- 3 projects in design.
- 2 private agency projects; one complete; one design effort only, funded over two years
- 1 project is design only with construction expected to be funded in FY 2010.
- 1 project is expected to have funding reallocated at the community's request.

RECOMMENDATIONS

The City is currently working on three key actions that will allow ADA projects to be completed in a more expedient manner. Each of these is vitally important to the success of the ADA projects.

1. Agreement with the City's labor unions, particularly AFSCME Local 127, on a defined process for determining what ADA projects can and will be undertaken by City staff, and what projects will be contracted.
2. For the projects that will be contracted, there is an immediate need to establish as-needed design consultants and general requirements contracts for construction of medium size (less than \$500,000 construction cost) and low complexity projects that do not require full engineering designs.
3. Development of refined, detailed scopes of work for each project through site assessment and investigations by Disability Services' consultant at project initiation.



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